

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: C.R. BARD, INC., PELVIC  
REPAIR SYSTEM PRODUCTS LIABILITY  
LITIGATION

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MDL NO. 2187

IN RE: AMERICAN MEDICAL SYSTEMS, INC., PELVIC  
REPAIR SYSTEM PRODUCTS LIABILITY  
LITIGATION

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MDL NO. 2325

IN RE: BOSTON SCIENTIFIC, PELVIC  
REPAIR SYSTEM PRODUCTS LIABILITY  
LITIGATION

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MDL NO. 2326

IN RE: ETHICON, INC., PELVIC  
REPAIR SYSTEM PRODUCTS LIABILITY  
LITIGATION

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MDL NO. 2327

IN RE: COLOPLAST PELVIC  
REPAIR SYSTEM PRODUCTS LIABILITY  
LITIGATION

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MDL NO. 2387

IN RE: COOK MEDICAL, INC, PELVIC REPAIR  
LIABILITY LITIGATION

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MDL NO. 2440

IN RE NEOMEDIC PELVIC REPAIR SYSTEM  
PRODUCT LIABILITY LITIGATION

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MDL NO. 2511

THIS DOCUMENT RELATES TO ALL CASES

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**KLINE & SPECTER, P.C.'S MOTION FOR LEAVE TO FILE  
SURREPLY MEMORANDUM IN RESPONSE TO THE COMMON BENEFIT  
FEE AND COST COMMITTEE'S REPLY IN SUPPORT OF ITS PETITION FOR  
AN AWARD OF COMMON BENEFIT ATTORNEYS' FEES AND EXPENSES**

Pursuant to Local Rule Procedure for the Southern District of West Virginia 7.1(a)(7), Kline & Specter P.C. moves for leave to file a Surreply Memorandum in response to new arguments and factual claims made by the Common Benefit Fee and Cost Committee (FCC) in its Reply Memorandum in Support of Its Petition for an Award of Common Benefit Attorneys' Fees and Expenses. *See* Kline & Specter's Surreply Memorandum, attached as Exhibit "A." The FCC's Reply contains new arguments and claims that did not appear in the FCC's opening brief, and thus, Kline & Specter has not had an opportunity to respond. There is no unfair prejudice to the FCC by granting this Motion. Given the hundreds of millions of dollars in client and attorney money at stake, fuller opportunity to be heard is warranted.

Dated: December 7, 2018

Respectfully Submitted,

**KLINE & SPECTER, PC**

By:   
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**BOWLES RICE, LLP**

By: /s/ Floyd E. Boone Jr.  
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**CERTIFICATE OF SERVICE**

I, Lee B. Balefsky, certify that on December 7, 2018, I electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

  
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Lee B. Balefsky